

Chase Declaration

Exhibit 5

Jennifer Morrow
August 10, 2023

1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 DEVIN G. NUNES,

5 PLAINTIFF,

6 -against-

7 Case No.:
8 22-cv-1633
9 (PKC)

10 NBCUNIVERSAL MEDIA, LLC,

11 DEFENDANT.
12 -----X

13 DATE: August 10, 2023

14 TIME: 10:00 A.M. EST

15 REMOTE DEPOSITION of JENNIFER

16 MORROW, taken by the Defendant, pursuant to
17 a Subpoena and to the Federal Rules of
18 Civil Procedure, held remotely via Zoom
19 Videoconference, before Suzanne Pastor, a
20 Notary Public of the State of New York.

21 (Pages 86-136 have been designated
22 Highly Confidential - Attorneys' Eyes Only
23 and included herein)
24
25

1 graduated college I went to work for a now
2 retired congressman from Bakersville, Bill
3 Thomas. I worked for him from June 2002 to
4 January of 2003 when Mr. Nunes was sworn
5 in. I worked for him, he was the chairman
6 of Ways and Means. I worked for him part
7 of the time and the committee part of the
8 time in six months.

9 Q. When you were hired by
10 Mr. Nunes, what was your title at that
11 time?

12 A. Scheduler.

13 Q. You were the scheduler for
14 Mr. Nunes your entire time working for him?

15 A. Yes.

16 Q. Did your title or
17 responsibilities change at all during the
18 time that you worked for Mr. Nunes?

19 A. Responsibilities, no. Titles
20 changed. It's kind of a crazy Capitol Hill
21 thing. I think my title changed from
22 scheduler to executive assistant. And
23 there may be a "slash" with office manager
24 also. But the job duties were the same.

25 Q. In your current job are you in

1 contact with Mr. Nunes?

2 A. Yes.

3 Q. How regularly do you speak with
4 Mr. Nunes?

5 A. It depends on the travel week.
6 Sometimes a whole week goes by without
7 talking to him. If it's a week where he's
8 traveling a lot I might talk to him maybe
9 every day of the week. But that's rare.
10 Maybe three times a week.

11 Q. Do you text with Mr. Nunes at
12 all?

13 A. Yes.

14 Q. Is that just since he's left
15 Congress or did you always text with
16 Mr. Nunes?

17 A. I've always texted with him.

18 Q. Do you e-mail with Mr. Nunes at
19 all?

20 A. No. He doesn't use e-mail.

21 Q. Where do you get your news?
22 Are you a news reader?

23 A. No.

24 Q. No?

25 A. No. I usually don't get news.

1 Sorry.

2 Q. Do you watch any cable news or
3 anything like that?

4 A. No.

5 Q. Do you have an opinion on any
6 news organizations?

7 A. No. Not usually.

8 Q. Do you listen to the radio or
9 podcasts, things like that?

10 A. I listen to some podcasts, but
11 no, not any sort of news radio. Maybe when
12 I take the kids to school in the morning we
13 listen. We usually bounce around if it's
14 not music. We don't usually listen to the
15 commercials or the weather or news reports,
16 that sort of thing.

17 Q. I want to talk a little bit
18 about your time working for Mr. Nunes. The
19 period I'm most interested in right now is
20 the 2018 to 2021 period.

21 A. Okay.

22 Q. Until the time he left office.

23 You were Mr. Nunes's scheduler.

24 I just want to talk a bit about some of
25 your responsibilities. What did keeping

1 offices frequently?

2 A. Yes, he did.

3 Q. About how often would he be in
4 the California offices?

5 A. It would vary on the week.
6 There are weeks where he stayed in D.C.
7 when they were in session or had long weeks
8 in session, he might not have gone to
9 California for two or three weeks.

10 But like a month like right now
11 in August, when the House was in recess he
12 would be home more often. He would have
13 been in California; he wouldn't have been
14 in D.C. then.

15 Q. Earlier you mentioned Jack
16 Langer. He was the communications director
17 for Mr. Nunes?

18 A. Yes, he was.

19 Q. When was the last time that you
20 spoke with Mr. Langer?

21 A. Oh, I don't know. But in the
22 last year.

23 Q. Do you know where he currently
24 works?

25 A. I do not.

1 Q. Did he follow you to
2 Congressman Conway after Mr. Nunes left?

3 A. He did.

4 Q. So in the period when you two
5 were still working together, how frequently
6 would you speak with Mr. Langer?

7 A. When we worked for Mr. Nunes or
8 when we worked for Congressman Conway?

9 Q. I should have been clear. When
10 you were working for Mr. Nunes, how
11 frequently would you speak with Mr. Langer?

12 A. Probably once a week at least.
13 It depended what was going on. If it was a
14 busy session week with a lot going on,
15 maybe it would be every day when we were in
16 session.

17 Q. What means of communication
18 would you use when you would communicate
19 with him?

20 A. With Jack usually the phone.
21 Yeah, he was more of a talker than a
22 texter.

23 Q. Would you e-mail with him?

24 A. Yes, I would e-mail with all my
25 co-workers.

1 Q. Would you use any messaging
2 apps when you were communicating with your
3 colleagues?

4 A. No.

5 Q. Like Signal or WhatsApp or any
6 of those types of programs?

7 A. No. I don't have any of those.

8 Q. What about Jillian Plank,
9 Jillian Plank was also in the D.C. office,
10 correct?

11 A. She was, yes.

12 Q. What was her role?

13 A. She had quite a few roles.
14 Jillian started with the office as an
15 intern and eventually became chief of
16 staff, with many steps in between.

17 Q. During that 2018 to 2021 period
18 she was the chief of staff?

19 A. I would have to go back and
20 look at the records, but definitely in that
21 period she was. I'm not sure exactly when
22 she became the chief. She was definitely
23 chief at some point during that.

24 Q. By the way, the Zoom platform
25 kind of makes it seem as though I'm

1 communicated with Mr. Harvey?

2 A. Oh, years. It would have been
3 maybe sometime in 2022. Or 2021, before
4 Mr. Nunes retired. But I don't know
5 exactly.

6 Q. I guess the same question for
7 Mr. Pappas, when was the last time you
8 communicated at all with Mr. Pappas?

9 A. I would say probably the same.
10 I knew George better than Derek while we
11 were co-workers. If I recall, George's
12 birthday is in February, and I think
13 February of 2022 I texted him happy
14 birthday. I think that would have been the
15 last time.

16 Q. Do you know Nick Ciarlante?

17 A. Yes.

18 Q. And he was also a HPSCI
19 staffer?

20 A. He was. Nick actually worked
21 in our D.C. office for a while first before
22 he moved to the committee.

23 Q. Do you know when he moved to
24 the committee?

25 A. I do not.

1 Q. Around what time period though
2 did he work in --

3 A. I could not even guess.

4 Q. Again, have you communicated
5 with Mr. Ciarlante -- or when was the last
6 time you communicated with Mr. Ciarlante?

7 A. We exchanged messages at some
8 point this year. I think at, like, in the
9 spring he was looking for whoever was doing
10 Devin's travel to find out when he was
11 coming to D.C., somebody wanted him to come
12 in and talk to some group in D.C.

13 Q. Unrelated to this lawsuit
14 though.

15 A. Yes, completely.

16 Q. Were you in e-mail
17 communication with Mr. Ciarlante when you
18 were working for Mr. Nunes?

19 A. Yes. Yes.

20 Q. He was also among that group of
21 people who might e-mail you about
22 scheduling matters?

23 A. Yeah, I think at that time Nick
24 was, like, the clerk. Maybe it was the
25 title of the committee. So he was in

1 charge of putting the things on the
2 calendar and things like that.

3 So yes, Nick would have been a
4 constant e-mail, again, about logistics.
5 Like that meeting won't work because of
6 this, or things like that.

7 Q. Do you know Allen Souza?

8 A. I do.

9 Q. What was Mr. Souza's position?
10 Was he in HPSCI or was he in the
11 Congressional Office?

12 A. No. Allen never worked for
13 Mr. Nunes in his personal office. He was
14 only at the committee. And I don't know
15 what his title was. I don't know Allen
16 well. I didn't know him well then.

17 Q. I probably should know the
18 answer to this, but I'm guessing. Is he
19 married to Jillian Plank?

20 A. Yes. They got married I think
21 it was February of '22. About a year and a
22 half ago. They are married now, yes.

23 Q. I noticed that Souza appeared
24 on her name. So I'm just putting two and
25 two together there.

1 Were there other staff members
2 that you were regularly in contact with
3 when you worked for Mr. Nunes? Staff
4 members for HPSCI that is.

5 A. Again I would have to see a
6 staff list. But the only other one I could
7 think of off the top of my head was Andrew.
8 Andrew House. And that was -- I didn't
9 talk to Andrew on a work basis more.

10 But Andrew and I started
11 working for Mr. Nunes back in 2003
12 together. So we were just longer friends.
13 If he happened to answer the phone or
14 something, I would chitchat with him.
15 Usually it was personal stuff; again, not
16 related to HPSCI business.

17 Q. I think this is the staffer
18 list.

19 MR. CHASE: Ali, could you put
20 up tab 6.

21 I'm going to mark this as
22 Exhibit 4.

23 (Whereupon, Intelligence
24 Committee Staff List, PX 01 to 04 was
25 marked as Defendant's Exhibit 4 for

1 clerk to Ms. Conway, it was, like, there
2 was -- I wasn't able to update that, or
3 back up that last update.

4 Q. When you say you couldn't back
5 up the last update, were there previous
6 backups that you had made of that phone?

7 A. I think everybody with an
8 iPhone does, like, an iCloud backup, right?
9 At least I do. I think that's a general
10 practice of iPhone users.

11 Q. That's basically where I was
12 going. Do you maintain the iCloud account
13 for that phone at this point in time?

14 A. From whichever date it is,
15 again, I can't remember. It was either
16 January or June of '22, yes. But since
17 then, yes. Before then, no.

18 Q. In connection with this action
19 did you look through your iCloud account
20 for any of the text messages that you had
21 with Mr. Nunes?

22 A. Yes, I did. I looked through
23 my iCloud and I looked through my Outlook
24 PST files.

25 Q. Earlier you said that you

1 received the subpoena about a month ago.

2 Do you recall that testimony?

3 A. Yes, I said -- I think my quote
4 was "whenever it was, maybe a month ago."
5 I don't recall exactly when it was.

6 Q. So were you ever instructed to
7 preserve documents in connection with this
8 litigation?

9 A. No, not in this one. But when
10 Mr. Nunes retired we kept a backup of his
11 calendar for the event that we needed to
12 have documents for anything.

13 Q. Did anyone explain to you why
14 that would be necessary?

15 A. No. Nor did I ask for any more
16 details on that.

17 Q. Were you instructed to preserve
18 e-mails?

19 A. No.

20 Q. So the only thing that you were
21 instructed to do was preserve Mr. Nunes's
22 calendar when you left office -- or when he
23 left office I should say.

24 A. Yes. That's right. I kept my
25 own just for my own records. But yes, it

1 was a specific instruction to keep the
2 calendar for historical reasons.

3 Q. Who gave that instruction?

4 A. I don't remember exactly. It
5 could have been Mr. Nunes. Yeah, it was
6 probably him. But again, I don't recall
7 exactly.

8 Q. Again, without going into the
9 substance of it, did Mr. Biss give you that
10 instruction?

11 A. No. I didn't know him then.

12 Q. When did you meet Mr. Biss?

13 A. Just before I did that last
14 subpoena, which I think was in early
15 December of 2022.

16 Q. Did Mr. Nunes give you this
17 instruction orally or did he text you? How
18 did he give that instruction?

19 A. It was either in person or on
20 the phone. It wouldn't have been a text.

21 MR. CHASE: Ali, could you put
22 up tab 1.

23 We're going to mark as Exhibit
24 5 the subpoena to Jennifer Morrow to
25 testify at a deposition in a civil

1 action as well as a subpoena duces
2 tecum. This was issued April 27,
3 2023.

4 (Whereupon, 4/27/23 Subpoena
5 was marked as Defendant's Exhibit 5
6 for identification as of this date by
7 the Reporter.)

8 Q. This is a multipage document,
9 Ms. Morrow. We don't need -- we'll go
10 through some of these pages, but just for
11 our purposes right now, do you recognize
12 this document?

13 A. Yes.

14 Q. When did you receive this
15 document?

16 A. Again, I said earlier I thought
17 it was within the last month. But
18 obviously that's not the case since it was
19 dated in April.

20 Q. Do you understand that this
21 document called for you to produce
22 documents that are relevant to this
23 litigation?

24 A. Yes.

25 Q. When you received this, did you

1 review this document in full?

2 A. Yes.

3 Q. What did you understand to be
4 relevant to this lawsuit?

5 A. One of the pages had certain
6 things, certain names, and I took that back
7 again to my -- the PSTs and searched those
8 phrases or names.

9 Q. Again, without going into your
10 conversations with your lawyer, did you
11 determine what was relevant on your own, or
12 was there an instruction from your counsel?

13 A. I mean, obviously he reiterated
14 what the subpoena said. But I think it was
15 pretty simple. It was what the subpoena
16 said.

17 Q. Let's go through what you
18 looked for. Earlier you said that you
19 looked through the PST files that you took
20 with you from Congress. Where else did you
21 look for relevant documents?

22 A. I looked through my current
23 phone, like you said, you asked if I looked
24 through text messages. I searched the name
25 and just with my PSTs, nothing -- no

1 results.

2 Q. Which names did you search, do
3 you recall?

4 A. I don't even know how to
5 pronounce it, but Derkach, however that is,
6 and that came up with nothing.

7 Q. Did you search for
8 communications with Mr. Harvey?

9 A. No, not that I recall.
10 Mr. Harvey would've came up with a lot of
11 e-mails. But again, if it didn't have that
12 name in it, I'm not sure the point of
13 finding all of Mr. Harvey's e-mails.

14 Q. Did you search for
15 communications with the FBI?

16 A. No.

17 Q. Did you search for
18 communications with Rick Crawford?

19 A. No. But I know I would not
20 have any e-mails or texts with
21 Mr. Crawford.

22 Q. Would you have searched for
23 staffers in Mr. Crawford's office?

24 A. No, I did not.

25 Q. Did you search for

1 communications with Rudolph Giuliani?

2 A. I put that in my search.

3 Nothing came up also.

4 Q. Did you search for
5 communications with Lev Parnas?

6 A. That also produced zero
7 results.

8 Q. Did you search for
9 communications with William Barr?

10 A. I did not, but I would have had
11 no communication with Mr. Barr.

12 Q. Did you maintain paper
13 documents when you worked for Mr. Nunes?

14 A. Very rarely. Paper documents
15 that I would have had would have been from
16 the early 2000s, back before scanning and
17 e-mail was as popular as it was when I
18 left. But no, I didn't keep anything.

19 Q. Did anyone conduct a search and
20 collection of your accounts or documents,
21 or was it just you who conducted that
22 search? Strike that.

23 Did any third party conduct a
24 search of your documents or communications?

25 A. Not that I'm aware of.

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF DELAWARE)

I, SUZANNE PASTOR, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this day, August 23, 2023.



SUZANNE PASTOR